

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL P. TARAS,

Plaintiff,

v.

Case No. 12-cv-79-JPG

U.S. ATTORNEY, ST. LOUIS SECRET SERVICE
EZELL, UNITED STATES GOVERNMENT, and
CHIEF JUDGE JAMES L. FOREMAN,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Michael P. Taras's motion for reconsideration (Doc 27) of the Court's judgment dismissing this case. The Court construes the motion as a motion to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e) since it was filed within 28 days of entry of judgment. *See Obrieht v. Raemisch*, 517 F.3d 489, 493 (7th Cir.) (motions filed within Rule 59(e) period construed based on their substance, not their timing or label); *Mares v. Busby*, 34 F.3d 533, 535 (7th Cir. 1994) (considering prior version of Fed. R. Civ. P. 59(e) providing ten-day deadline for motion to alter or amend judgment); *United States v. Deutsch*, 981 F.2d 299, 301 (7th Cir. 1992) (same).

Under Rule 59(e), a court has the opportunity to consider newly discovered material evidence or intervening changes in the controlling law or to correct its own manifest errors of law or fact to avoid unnecessary appellate procedures. *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996); *see Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006). It "does not provide a vehicle for a party to undo its own procedural failures, and it certainly does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment." *Moro*, 91 F.3d at 876. Rule 59(e) relief is

only available if the movant clearly establishes one of the foregoing grounds for relief.

Harrington, 433 F.3d at 546 (citing *Romo v. Gulf Stream Coach, Inc.*, 250 F.3d 1119, 1122 n. 3 (7th Cir. 2001)).

Taras has presented no evidence or argument justifying relief under Rule 59(e).

Accordingly, the Court **DENIES** the motion to alter or amend judgment (Doc. 27).

IT IS SO ORDERED.

DATED: June 11, 2012

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**